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ABSTRACT

This document, presented in question and answer format, provides guidance about legal requirements of the Individuals with Disabilities Education Act (IDEA) concerning the misconduct of students with disabilities and corrects the misunderstanding that students with disabilities are exempt from discipline under current law. It discusses recent amendments made to IDEA by the Improving America's Schools Act and the Gun-Free Schools Act as they apply to students with disabilities who bring guns to school. The 16 questions and answers address the following topics: appropriate steps when misconduct first appears; additional measures allowed; short-term suspensions; obtaining a court order for school expulsion or change of placement; group determination of the misconduct's basis; continuing obligations of the school district to the suspended or expelled student; options when the misconduct is a manifestation of the disability; special provisions concerning firearms; placement in an interim alternative setting; application of the Gun-Free Schools Act; authority of the school district's chief administering officer; and immediate steps to take when a student with a disability brings a firearm to school. Two flowcharts illustrate the appropriate process in the cases of a student with disabilities who engaged in behavior subject to discipline but does not bring a firearm to school and of a student with disabilities who brings a firearm to school. (DB)

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UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

APR 26 1995

OSEP- 95-16

OSEP MEMORANDUM

TO : Chief State School Officers

FROM : Judith E. Heumann
Assistant Secretary
Office of Special Education and
Rehabilitative Services

Thomas Hehir
Director
Office of Special Education Programs

SUBJECT: Questions and Answers on Disciplining Students with Disabilities

The purpose of this memorandum is to provide guidance about the current legal requirements of the Individuals with Disabilities Education Act (IDEA) for addressing misconduct of students with disabilities and to correct the misunderstanding that students with disabilities are exempt from discipline under current law. This memorandum also includes a discussion of the recent amendments made to IDEA by the Improving America's Schools Act and the recently enacted Gun-Free Schools Act as they apply to students with disabilities who bring firearms to school. If changes are made to current law in the reauthorization of the IDEA, further guidance will be issued to reflect them.

Two other Federal laws that are enforced by the Department's Office for Civil Rights (OCR)--Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act of 1990 (ADA), Title II--also govern school districts' obligations to provide educational services to disabled students. Unless otherwise noted, compliance with the IDEA requirements as set forth in this memorandum would satisfy the requirements of Section 504 and Title II of the ADA.

Public Law 94-142, the Education for All Handicapped Children's Act of 1975 [now Part B of IDEA] was enacted to address concerns that disabled students, particularly those whose disabilities had behavioral components, were excluded from any public education or were not provided an education appropriate to their unique learning needs. Thus, IDEA recognizes the right of each disabled

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student to a free appropriate public education (FAPE), which includes an array of rights and procedural protections for eligible students and their parents. One of the central tenets of IDEA is the requirement that each disabled student's program and placement must be individually designed to meet his or her unique learning needs. Today, as school safety takes on increasing importance for all of us, we want to underscore the compatibility of guaranteeing the rights of students with disabilities with the goal of school safety.

Clearly, school safety starts with the commitment of every student to take full responsibility for his or her own safety and the safety of others both in and out of school. This commitment to personal responsibility is essential to ensuring that the goal of safe schools is realized. For any student who misbehaves, a school should decide what action is most likely to correct the misconduct. For a disabled student, this decision may need to take into account the student's disability.

As we travel throughout the country, we have met with parents and school officials, who have underscored the importance of working cooperatively to address concerns when signs of misconduct by students with disabilities first appear before more drastic measures are considered. We also have visited schools that have implemented models for behavior management so effectively that, in many instances, the need for subsequent interventions has been greatly reduced, or even eliminated entirely. The Department encourages and supports the development and dissemination, at the local, State and national levels, of effective classroom and behavior management practices. We also believe that there are a number of positive steps that educators can take to address misconduct as soon as it appears to prevent the need for more drastic measures. For students whose disabilities have behavioral aspects, preventive measures, such as behavior management plans, should be considered and can be facilitated through the individualized education program (IEP) and placement processes required by IDEA. Teacher training initiatives in conflict management and behavior management strategies also should be considered as these strategies are implemented.

If the steps described above are not successful, the appropriate use of measures such as study carrels, time-outs, or other restrictions in privileges could also be considered, so long as they are not inconsistent with a student's IEP. In addition, a disabled student may be suspended from school for up to ten school days. No prior determination of whether the misconduct was a manifestation of the student's disability is required before any of the above measures can be implemented. If the misconduct is such that more drastic measures would be called for, educators should review the student's current educational program and placement and consider whether a change in placement would be an appropriate measure to address the misconduct.

Where educators believe that more drastic measures are called for, a disabled student may be removed from school for more than ten school days only if the following steps are taken. First, a group of persons knowledgeable about the student must determine whether the student's misconduct was a manifestation of his or her disability. If this group determines that the misconduct was not a manifestation of the student's disability, the student may be expelled or suspended from school for more than ten school days, provided applicable procedural safeguards are followed and educational services continue during the period of disciplinary removal.

However, if the group determines that the student's misconduct was a manifestation of his or her disability, the student may not be expelled or suspended from school for more than ten school days. Educators still can address the misconduct through appropriate instructional and/or related services, including conflict management and/or behavior management strategies, student and teacher training initiatives, measures such as study carrels, time-outs, or other restrictions in privileges, so long as they are not inconsistent with a student's IEP, and, as a last resort, through change of placement procedures in accordance with IDEA. Moreover, the school district has the option of seeking a court order at any time to remove the student from school or to change the student's placement if it believes that maintaining the student in the current educational placement is substantially likely to cause injury.

In addition, recent amendments to IDEA made by the Improving America's Schools Act permit educators to make immediate interim changes of placement for students with disabilities who bring firearms to school for up to 45 calendar days. If the student's parents request a due process hearing, the student must remain in the interim placement until the completion of all proceedings, unless the parents and school district can agree on another placement.

The questions and answers with this memorandum provide a description of the options outlined above in greater detail. We hope that this information will be helpful as we all strive to promote safe and effective schools. We urge you and your staff to review this information carefully and to disseminate it to interested individuals and organizations throughout your State. For easy reference a table of contents, setting forth all sixteen questions and their corresponding page numbers, immediately follows.

Further questions can be directed to the Office of Special Education Programs by contacting Ms. Rhonda Weiss at (202) 205-8824 or Dr. JoLeta Reynolds at (202) 205-5507.

Attachment

cc: State Directors of Special Education
RSA Regional Commissioners
Regional Resource Centers
Federal Resource Center
Special Interest Groups
Parent Training Centers
Independent Living Centers
Protection and Advocacy Agencies

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QUESTIONS AND ANSWERS ON DISCIPLINING STUDENTS WITH DISABILITIES

Question 1: Under IDEA, what steps should school districts take to address misconduct when it first appears?

ANSWER

School districts should take prompt steps to address misconduct when it first appears. Such steps could, in many instances, eliminate the need to take more drastic measures. These measures could be facilitated through the individualized education program (IEP) and placement processes required by IDEA. For example, when misconduct appears, determinations could be made as to whether the student's current program is appropriate and whether the student could benefit from the provision of more specialized instructional and/or related services, such as counseling and psychological services or social-work services in schools. In addition, training of the teacher in effective use of conflict management and/or behavior management strategies also could be extremely effective. In-service training for all personnel who work with the student, and when appropriate, other students, also can be essential in ensuring the successful implementation of the above interventions.

Question 2: Are there additional measures that educators may use in addressing misconduct of students with disabilities, and if so, under what circumstances may such measures be used?

ANSWER

The use of measures such as study carrels, time-outs, or other restrictions in privileges is permissible so long as such measures are not inconsistent with a student's IEP. While there is no requirement that such measures be specified in a student's IEP, IEP teams could determine that it would be appropriate to address their use in individual situations. Another possibility is an in-school change in a student's current educational program or placement, or even a removal of a student with a disability from school.

Where these changes are long-term (more than ten school days), they are considered a change in placement. IDEA requires that parents be given written notice before a change in placement can be implemented. (See question 7). However, where in-school discipline or short-term suspension (ten school days or less) is involved, this would not be considered a change in placement, and

IDEA's parent-notification provisions would not apply. Also, there is no requirement for a prior determination of whether the student's misconduct was a manifestation of the student's disability. (See question 6).

Question 3: Is a series of short-term suspensions considered a change in placement?

ANSWER

A series of short-term suspensions in the same school year could constitute a change in placement. Factors such as the length of each suspension, the total amount of time that the student is excluded from school, the proximity of the suspensions to each other, should be considered in determining whether the student has been excluded from school to such an extent that there has been a change in placement. This determination must be made on a case-by-case basis.

Question 4: Are there specific actions that a school district is required to take during a suspension of ten school days or less?

ANSWER

There are no specific actions under Federal law that school districts are required to take during this time period. If the school district believes that further action to address the misconduct and prevent future misconduct is warranted, it is advisable to use the period of suspension for preparatory steps. For example, school officials may convene a meeting to initiate review of the student's current IEP to determine whether implementation of a behavior management plan would be appropriate. If long-term disciplinary measures are being considered, this time also could be used to convene an appropriate group to determine whether the misconduct was a manifestation of the student's disability.

If the student's IEP or placement needs to be revised, the school district should propose the modification. If the student's parents request a due process hearing on the proposal to change the student's IEP or placement, the school district may seek to persuade the parents to agree to an interim placement for the student while due process proceedings are pending. If the school district and parents cannot agree on an interim placement for the student while the due process hearing is pending, and the school district believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others, the school district could seek a court order to remove the student from school. (See question 5).

Question 5: Under what circumstances may a school district seek to obtain a court order to remove a student with a disability from school or otherwise change the student's placement?

ANSWER

A school district may seek a court order at any time to remove any student with a disability from school or to change the student's current educational placement if the school district believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.[1] Prior to reaching the point where there is a need to seek a court order, a school district should make every effort to reduce the risk that the student will cause injury. Efforts to minimize the risk of injury should, if appropriate, include the training of teachers and other affected personnel, the use of behavior intervention strategies and the provision of appropriate special education and related services.[2] In a judicial proceeding to secure a court order, the burden is on the school district to demonstrate to the court that such a removal or change in placement should occur to avoid injury.

Question 6: What is the first step that school districts must take before considering whether a student with a disability may be expelled or suspended from school for more than ten school days?

ANSWER

The first step is for the school district to determine whether the student's misconduct was a manifestation of the student's disability. This determination must be made by a group of persons knowledgeable about the student, and may not be made unilaterally by one individual. See, 34 CFR §300.533(a)(3) (composition of the placement team); 34 CFR §300.344(a)(1)-(5) (participants on the IEP team). If the group determines that the

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[1] Honig v. Doe, 108 S.Ct. at 606.

[2] See Light v. Parkway C-2 Sch. Dist., 41 F.3d 1223 (8th Cir. 1994), where the Court of Appeals for the Eighth Circuit (Arkansas, Iowa, Missouri, Minnesota, Nebraska, North Dakota, and South Dakota), held that in addition to showing that a student is substantially likely to cause injury, the school district must show that it has made reasonable efforts to accommodate the student's disabilities so as to minimize the likelihood that the student will injure him or herself or others.

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student's misconduct was not a manifestation of his or her disability, the school district may expel or suspend the student from school for more than ten school days, subject to the conditions described below. If an appropriate group of persons determines that the student's misconduct was a manifestation of his or her disability, the student may not be expelled or suspended from school for more than ten school days for the misconduct. However, educators may use other procedures to address the student's misconduct, as described in question 10 below.

Question 7: If an appropriate group determines that a student's misconduct was not a manifestation of his or her disability, what is the next step that school districts must take before expelling or suspending the student from school for more than ten school days?

ANSWER

A long-term suspension or expulsion is a change in placement. Before any change in placement can be implemented, the school district must give the student's parents written notice a reasonable time before the proposed change in placement takes effect.[3] This written notice to parents must include, among other matters, the determination that the student's misconduct was not a manifestation of the student's disability and the basis for that determination, and an explanation of applicable procedural safeguards, including the right of the student's parents to initiate an impartial due process hearing to challenge the manifestation determination and to seek administrative or judicial review of an adverse decision.

If the student's parents initiate an impartial due process hearing in connection with a proposed disciplinary exclusion or other change in placement, and the misconduct does not involve the bringing of a firearm to school (see question 11), the "pendency" provision of IDEA requires that the student must remain in his or her current educational placement until the completion of all proceedings.[4] If the parents and school

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[3]34 CFR §§300.504(a) and 300.505 (requirements for prior written notice to parents and content of notice).

[4]For a student not previously identified by the school district as a student potentially in need of special education, a parental request for evaluation or a request for a due process hearing or other appeal <u>after</u> a disciplinary suspension or expulsion has commenced does <u>not</u> obligate the school district to reinstitute the student's prior in-school status. This is

district can agree on an interim placement, as is frequently the case, the student would be entitled to remain in that placement until the completion of all proceedings. During authorized review proceedings, school districts may use measures, in accordance with question 2 above, to address the misconduct.

Question 8: Under IDEA, where a student is suspended for more than ten school days or expelled for misconduct that was not a manifestation of his or her disability, does the school have any continuing obligations to the student?

ANSWER

Under IDEA, as a condition for receipt of funds, States must ensure that a free appropriate public education (FAPE) is made available to all eligible children with disabilities in mandated age ranges. Therefore, in order to meet the FAPE requirements of IDEA, educational services must continue for students with disabilities who are excluded for misconduct that was not a manifestation of their disability during periods of disciplinary removal that exceed ten school days. Thus, a State that receives IDEA funds must continue educational services for these students. However, IDEA does not specify the particular setting in which continued educational services must be provided to these students. During the period of disciplinary exclusion from school, each disabled student must continue to be offered a program of appropriate educational services that is individually designed to meet his or her unique learning needs. Such services may be provided in the home, in an alternative school, or in another setting.

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because in accordance with the "stay-put" provision of IDEA, the student's "then current placement" is the out-of-school placement. After the disciplinary sanction is completed, if the resolution of the due process hearing is still pending, the student must be returned to school as would a nondisabled student in similar circumstances. It should be noted that, pending the resolution of the due process hearing or other appeal, a court could enjoin the suspension or expulsion and direct the school district to reinstate the student if the court determines that the school district knew or reasonably should have known that the student is a student in need of special education.

Question 9: Under Section 504 and Title II of the ADA, where a student is expelled or suspended for more than ten school days for misconduct that was not a manifestation of his or her disability, does the school have any continuing obligations to the student?

ANSWER

Two related Federal laws, which are enforced by the Department's Office for Civil Rights (OCR), also contain requirements relating to disabled students in public elementary or secondary education programs. Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination on the basis of disability by recipients of Federal financial assistance, including IDEA funds. The Section 504 regulation at 34 CFR Part 104, §§104.33-104.36, contains free appropriate public education requirements that are similar to the IDEA FAPE requirements. The Americans with Disabilities Act of 1990 (ADA), Title II, extends Section 504's prohibition of discrimination on the basis of disability to all activities of State and local governments, whether or not they receive Federal funds. This includes all public school districts. The Department interprets the requirements of Title II of the ADA as consistent with those of Section 504. Throughout the remainder of this document, references to Section 504 also encompass Title II of the ADA.

As is the case under IDEA, under Section 504, students with identified disabilities may be expelled or suspended from school for more than ten school days only for misconduct that was not a manifestation of the student's disability. However, the Department has interpreted the nondiscrimination provisions of Section 504 to permit school districts to cease educational services during periods of disciplinary exclusion from school that exceed ten school days if nondisabled students in similar circumstances do not continue to receive educational services.

In implementing their student-discipline policies, school districts must comply with the requirements of IDEA and Section 504. Further questions about the application of the requirements of Section 504 and Title II of the ADA should be directed to your OCR regional office.

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Question 10: What options are available to school districts in addressing the misconduct of students with disabilities whose misconduct was a manifestation of his or her disability?

ANSWER

If a group of persons knowledgeable about the student determines that the student's misconduct was a manifestation of his or her disability, the student may not be expelled or suspended from school for more than ten school days. However, it is recommended that school officials review the student's current educational placement to determine whether the student is receiving appropriate instructional and related services in the current placement and whether conflict management and or behavior management strategies should be implemented for the student as well as for teachers and all personnel who work with the student, and for other students if appropriate. A change in placement, if determined appropriate, could be implemented subject to applicable procedural safeguards (see question 7). For example, the school district could propose to place the student in another class in the same school or in an alternative setting, in light of the student's particular learning needs.

The school district also would have the option of suspending the student from school for ten school days or less. The school district also has the option of seeking a court order at any time to remove the student from school or to change the student's placement if it believes that maintaining the student in the current placement is substantially likely to result in injury to the student or to others. (See question 5).

Question 11: Are there any special provisions of IDEA that are applicable to students with disabilities who bring firearms to school?

ANSWER

Recent amendments to IDEA made by the Improving America's Schools Act give school authorities additional flexibility in protecting the safety of other students when any student with a disability has brought a firearm[5] to a school under a local school district's jurisdiction. These amendments to IDEA took effect as of October 20, 1994.

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[5]This amendment to IDEA uses the term "weapon" and states that "weapon" means a firearm as such term is defined in section 921(a)(3) of Title 18, United States Code. The Gun-Free Schools Act also uses the term "weapon."

Even before determining whether the behavior of bringing a firearm to school was a manifestation of the student's disability, the school district may place the student in an interim alternative educational setting, in accordance with State law, for up to 45 calendar days. The interim alternative educational setting must be decided by the participants on the student's IEP team described at 34 CFR §§300.344(a)(1)-(a)(5), which include the student's teacher, an agency representative who is qualified to provide or supervise the provision of special education, the student's parents, and the student, if appropriate. However, the student's placement cannot be changed until the IEP team has been convened and determined the interim alternative educational placement that the team believes would be appropriate for the student.[6] If the parents disagree with the alternative educational placement or the placement that the school district proposes to follow the alternative placement and the parents initiate a due process hearing, then the student must remain in the alternative educational setting during authorized review proceedings, unless the parents and the school district can agree on another placement.

Question 12: Under the provision described in question 11 above, how long can a student be placed in an interim alternative educational setting?

ANSWER

A student with a disability who has brought a firearm to a school under a local school district's jurisdiction may be placed in an interim alternative educational setting, in accordance with State law, for up to 45 calendar days. However, if the student's parents initiate a due process hearing and if the parties cannot agree on another placement, the student must remain in that interim placement during authorized review proceedings. In this situation, the student could remain in the interim alternative educational setting for more than 45 calendar days.

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[6]Under IDEA, a student with a disability who has brought a firearm to school may be removed from school or subjected to in-school discipline that removes the student from the current placement for ten school days or less. Therefore, before the student is placed in the interim alternative educational setting in accordance with the IEP team's decision, the school district has the option of removing the student from school, using other in-school discipline, or placing the student in an alternative setting for ten school days or less. (See questions 2 and 3).

Question 13: Does the Gun-Free Schools Act apply to students with disabilities?

ANSWER

The Gun-Free Schools Act applies to students with disabilities. The Act must be implemented consistent with IDEA and Section 504. The Gun-Free Schools Act states, among other requirements, that each State receiving Federal funds under the Elementary and Secondary Education Act shall have in effect a State law requiring local educational agencies to expel from school for not less than one year a student who brings a firearm to school under the jurisdiction of local educational agencies in that State, except that the State law must allow the local educational agency's chief administering officer to modify the expulsion requirement for a student on a case-by-case basis. The Gun-Free Schools Act explicitly states that the Act must be construed in a manner consistent with the IDEA.

Question 14: How can school districts implement policies under the Gun-Free Schools Act in a manner that is consistent with the requirements of IDEA and Section 504?

ANSWER

Compliance with the Gun-Free Schools Act can be achieved consistent with the requirements that apply to students with disabilities as long as discipline of such students is determined on a case-by-case basis in accordance with IDEA and Section 504. Under the provision that permits modification of the expulsion requirement on a case-by-case basis, the requirements of IDEA and Section 504 can be met. IDEA and Section 504 require a determination by a group of persons knowledgeable about the student on whether the bringing of the firearm to school was a manifestation of the student's disability. Under IDEA and Section 504, a student with a disability may be expelled only if this group of persons determines that the bringing of a firearm to school was not a manifestation of the student's disability, and after applicable procedural safeguards have been followed.

For students with disabilities eligible under IDEA who are expelled in accordance with these conditions, educational services must continue during the expulsion period. The Gun-Free Schools Act also states that nothing in that Act shall be construed to prevent a State from allowing a school district that has expelled a student from such a student's regular school setting from providing educational services to that student in an alternative educational setting. For students with disabilities who are not eligible for services under IDEA, but who are covered by Section 504 and are expelled in accordance with the above

conditions, educational services may be discontinued during the expulsion period if nondisabled students in similar circumstances do not receive continued educational services.

Question 15: Does the authority of the school district's chief administering officer, under the Gun-Free Schools Act, to modify the expulsion requirement on a case-by-case basis mean that the decision regarding whether the student's bringing a firearm to school was a manifestation of the student's disability and placement decisions can be made by the chief administering officer?

ANSWER

No. As discussed above, all of the procedural safeguards and other protections of IDEA and Section 504 must be followed. Once it is determined by an appropriate group of persons that the student's bringing a firearm to school was not a manifestation of the student's disability, the school district's chief administering officer may exercise his or her decision-making authority under the Gun-Free Schools Act in the same manner as with nondisabled students in similar circumstances. However, for students with disabilities who are eligible under IDEA and who are subject to the expulsion provision of the Gun-Free Schools Act, educational services must continue during the expulsion period. By contrast, if it is determined that the student's behavior of bringing a firearm to school was a manifestation of the student's disability, the chief administering officer must exercise his or her authority under the Gun-Free Schools Act to determine that the student may not be expelled for the behavior. However, there are immediate steps that may be taken, including removal. (See question 16).

Question 16: What immediate steps can school districts take to remove a student with a disability who brings a firearm to school?

ANSWER

A student with a disability who brings a firearm to school may be removed from school for ten school days or less, and placed in an interim alternative educational setting for up to 45 calendar days. (See questions 2 and 11). However, if the parents initiate due process, the student must remain in the interim alternative placement during authorized review proceedings, unless the parents and school district can agree on a different placement. (See questions 11 and 12). In addition, school districts may initiate change in placement procedures for such a

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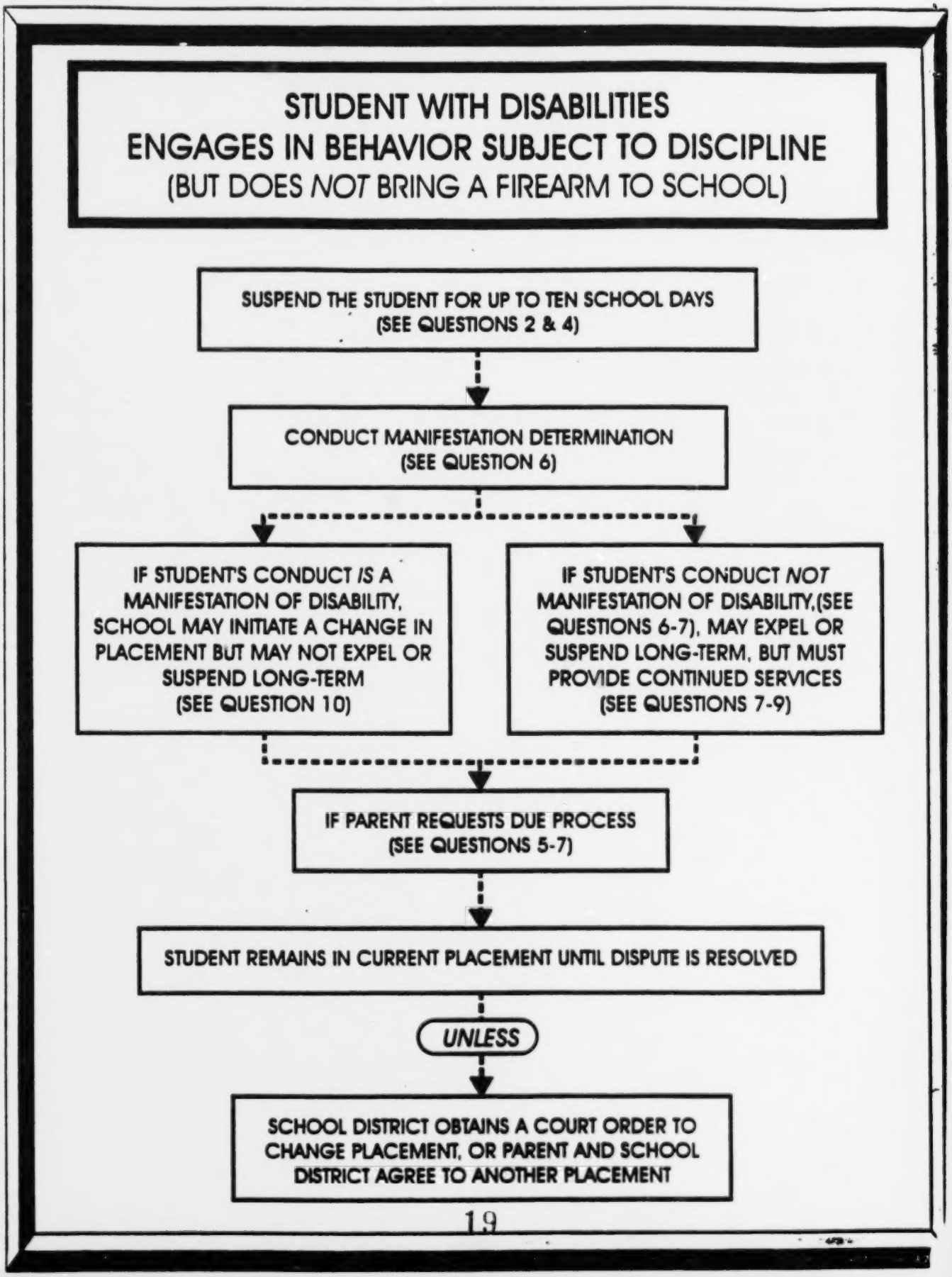
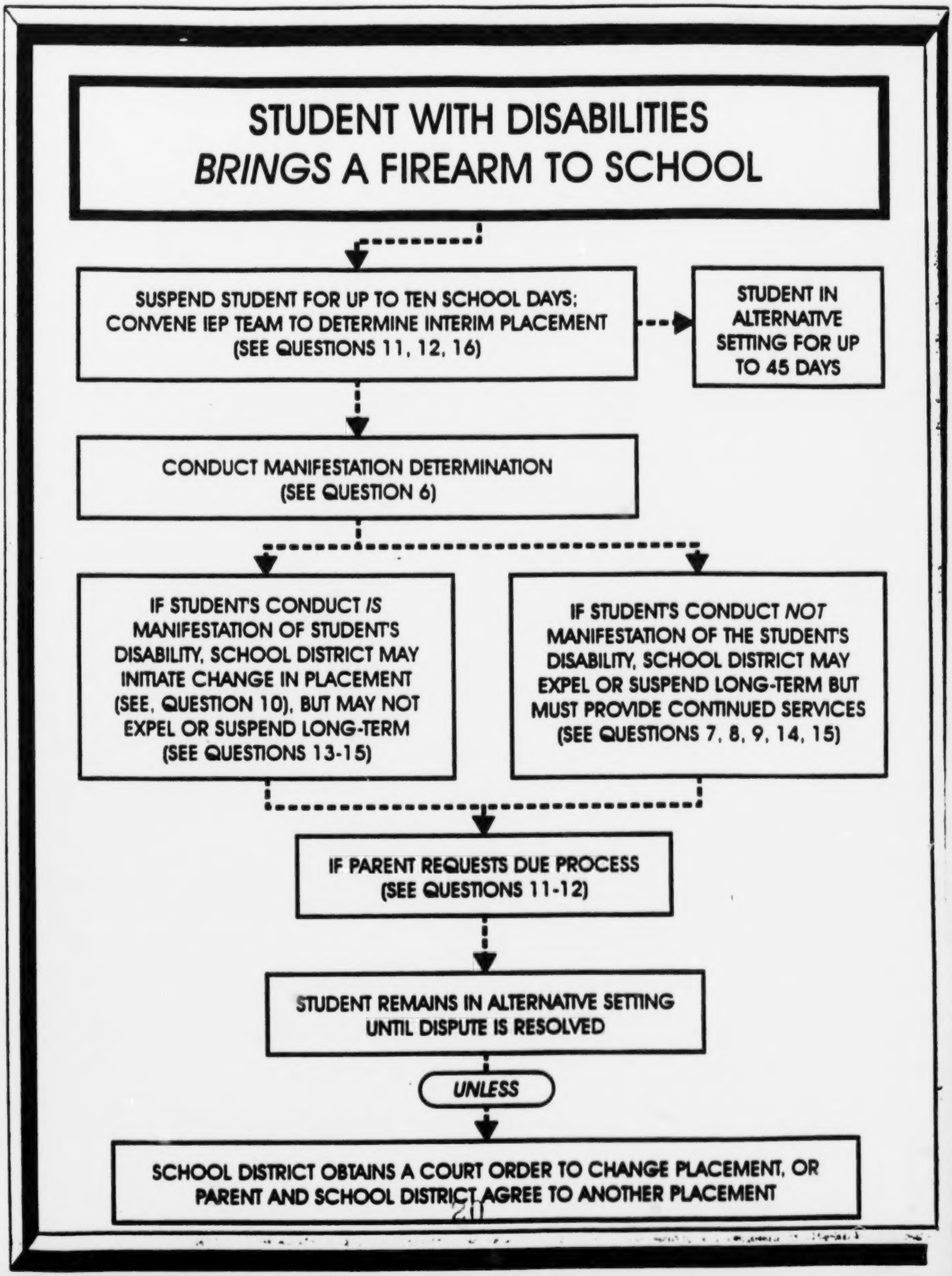
student, subject to the parents' right to due process. A school district also could seek a court order if the school district believes that the student's continued presence in the classroom is substantially likely to result in injury to the student or to others. (See question 5).


STUDENT WITH DISABILITIES
ENGAGES IN BEHAVIOR SUBJECT TO DISCIPLINE
(BUT DOES NOT BRING A FIREARM TO SCHOOL)
SUSPEND THE STUDENT FOR UP TO TEN SCHOOL DAYS
(SEE QUESTIONS 2 & 4)
CONDUCT MANIFESTATION DETERMINATION
(SEE QUESTION 6)
IF STUDENT'S CONDUCT IS A MANIFESTATION OF DISABILITY, SCHOOL MAY INITIATE A CHANGE IN PLACEMENT BUT MAY NOT EXPEL OR SUSPEND LONG-TERM
(SEE QUESTION 10)
IF STUDENT'S CONDUCT NOT MANIFESTATION OF DISABILITY,(SEE QUESTIONS 6-7), MAY EXPEL OR SUSPEND LONG-TERM, BUT MUST PROVIDE CONTINUED SERVICES
(SEE QUESTIONS 7-9)
IF PARENT REQUESTS DUE PROCESS
(SEE QUESTIONS 5-7)
STUDENT REMAINS IN CURRENT PLACEMENT UNTIL DISPUTE IS RESOLVED
UNLESS
SCHOOL DISTRICT OBTAINS A COURT ORDER TO CHANGE PLACEMENT, OR PARENT AND SCHOOL DISTRICT AGREE TO ANOTHER PLACEMENT


STUDENT WITH DISABILITIES
BRINGS A FIREARM TO SCHOOL
SUSPEND STUDENT FOR UP TO TEN SCHOOL DAYS; CONVENE IEP TEAM TO DETERMINE INTERIM PLACEMENT (SEE QUESTIONS 11, 12, 16)
STUDENT IN ALTERNATIVE SETTING FOR UP TO 45 DAYS
CONDUCT MANIFESTATION DETERMINATION (SEE QUESTION 6)
IF STUDENT'S CONDUCT IS MANIFESTATION OF STUDENT'S DISABILITY, SCHOOL DISTRICT MAY INITIATE CHANGE IN PLACEMENT (SEE, QUESTION 10), BUT MAY NOT EXPEL OR SUSPEND LONG-TERM (SEE QUESTIONS 13-15)
IF STUDENT'S CONDUCT NOT MANIFESTATION OF THE STUDENT'S DISABILITY, SCHOOL DISTRICT MAY EXPEL OR SUSPEND LONG-TERM BUT MUST PROVIDE CONTINUED SERVICES (SEE QUESTIONS 7, 8, 9, 14, 15)
IF PARENT REQUESTS DUE PROCESS (SEE QUESTIONS 11-12)
STUDENT REMAINS IN ALTERNATIVE SETTING UNTIL DISPUTE IS RESOLVED
UNLESS
SCHOOL DISTRICT OBTAINS A COURT ORDER TO CHANGE PLACEMENT, OR PARENT AND SCHOOL DISTRICT AGREE TO ANOTHER PLACEMENT